

Application No. 09/345,223
Amendment "C" dated August 12, 2004
Reply to Office Action mailed June 3, 2004

REMARKS

The latest Office Action, mailed June 3, 2004, considered claims 1-23. Claims 1-21 and 23 were rejected under 35 U.S.C. § 102(e) as being anticipated by Rosser (U.S. Patent No. 6,446,261). Claims 11 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosser¹.

By this paper new dependent claims 24-28 have been added², such that claims 1-28 remain pending, of which there are currently five independent claims (claims 1, 5, 12, 13 and 14).³ Each of these claims relate to methods for creating custom advertisements for display with broadcast television, wherein the custom advertisements are too large to be transmitted over a low bandwidth channel and in a timely manner.

To enable the embodiments of the invention, as recited in the claims, the advertisements are created from the combination of an advertising template that is stored at the user system and custom advertisement information that is broadcast to the viewer through an advertisement summary over a low bandwidth service channel.

Applicants respectfully submit that this is neither taught nor suggested by the new art of record (Rosser). In particular, Rosser is directed to a method and system for developing viewer profiles and for using the viewer profiles to select appropriate insertable indicia into broadcast video displayed to the viewers. (Abstract, Col. 3, ln. 27 -- Col. 4, ln. 30)

¹ Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² Support for these claim amendments is derived from the specification on page 9, ll. 28-29, page 12, as well as other passages throughout the application.

³ Claim 1 is directed to a method for creating advertisements from the perspective of a receiver. Claim 5 is directed to a similar method drafted from the perspective of the broadcaster. Claims 12 and 13 comprise computer program product claims correspondingly similar to claims 1 and 5, respectively. Claim 14 is more broadly directed to a method corresponding to a system, including the receiver and broadcaster (broadcast signal source). Claim 21 is a picture method claim for creating advertisements, which even more clearly specifies how the advertisement (third set of data) is greater than a product of available data bandwidth and duration of a program over which the advertisement could be sent.

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Contrary to the present invention, Rosser is not even concerned about restrictions in bandwidth or the problem with an advertisement being too large to be transmitted with a broadcast in a timely manner. Instead, Rosser specifically identifies the increased bandwidth capabilities as one of the trends that will facilitate the invention. (Col. 1, ln. 65 – Col. 2, ln. 5).

Accordingly Rosser has no need to create a template at a viewer device to conserve or reduce the amount of data that needs to be transmitted over a low bandwidth channel, as is done in the present invention. For at least this reason, Rosser fails to describe or suggest any type of template, as further clarified below. Instead, Rosser merely provides system in which media and other indicia (arguably advertising), along with viewer profile information, is broadcast to viewers, and in such a way that the viewer receivers can determine which of the indicia content should be merged with the media it was broadcast with. The final merging of the selected indicia and media, which are both broadcast together, is performed by a slave "LVIS" at the viewer device. (Col. 3, ll. 16-25) (Col. 7, ll. 1-57) (Col. 14, ll. 48-67).

As a matter of example, a video can be broadcast with various different texts, corresponding to different languages that are matched to different usage profiles. Different viewer devices can then select and use the appropriate texts corresponding to the viewers' language profiles, such that the correspondingly appropriate text will appear with the media as if were naturally part of the video. (Col. 10, ll. 21-35) (Col. 14, ll. 65-67).

Accordingly, in summary, Rosser fails to teach any method in which advertisements or other content is separated into templates and content, wherein the templates are stored at the client systems and wherein the content is transmitted over a low-bandwidth channel, and wherein the resulting combined advertisement would be too large to transmit in a timely manner over said channel. To the contrary, Rosser actually appears to teach the opposite. In particular, Rosser teaches that multiple versions of the advertisements (indicia) can be transmitted with the media, and the profile indices, all at the same time. The client system then determines which indicia is most appropriate (based on the profile indices) and then utilizes a slave "LVIS" to merge the appropriate one of the transmitted indicia with the transmitted media so that it appears as if it was transmitted that way from the beginning.

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The last Action states "Rosser teaches that one portion of the advertisement is standard video, which is not transmitted over a low-bandwidth channel." However, even if this were true, this is not what is required by the pending claims. Instead, the claims require just the opposite. In particular, the claims require that the custom advertisement information or content is transmitted over the low-bandwidth channel, and that the combined custom advertisement is too large to be transmitted over the low-bandwidth channel. Accordingly, if anything were said to not be transmitted over the low-bandwidth channel, it is the template, not the video or the content of the custom advertisement, contrary to the teachings of Rosser.

Next, with reference to the element that requires that the custom advertisement information be broadcast in such a way that it is addressed to a particular template, Applicants respectfully submit that Rosser fails to teach or suggest any type or use of a template. Instead, the cited passages (Col. 14, ll. 26-67) teach how video can be transmitted with information that is extracted and stored or later used to insert video and audio insertions. Another passage that was cited, Col. 6, ll. 61-67, merely suggests that video⁴, profile information and enabling keys can be inserted in the VBI, unused channels or other compressed video signals. Accordingly, Rosser clearly does not teach that the video or advertising content is addressed to a particular template, or transmitted in a low-bandwidth channel, separate from and addressed to a template that resides at the client system. To the contrary, these passages teach, if anything, that the media and indicia can be broadcast together and can include video information that is linked to or used to identify other video/audio that can be accessed.

Besides failing to teach of using a template, Rosser also fails to teach that an advertisement template is stored and on the client receiver, as claimed. In fact, Rosser fails to teach that any type of template is stored at the client system, which is then later combined with data transmitted over a low-bandwidth channel, as required by the claims.

Accordingly, for at least the foregoing reasons, Applicants respectfully submit that Rosser neither anticipates, nor obviates the invention, as recited in the pending claims.

⁴ Note that this contradicts the contention in the last action that the video is not transmitted over a low-bandwidth channel.

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In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 13 day of August 2004.

Respectfully submitted,



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